

5/003/020



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Salt Lake Field Office  
2370 South 2300 West  
Salt Lake City, Utah 84119

IN REPLY REFER TO:

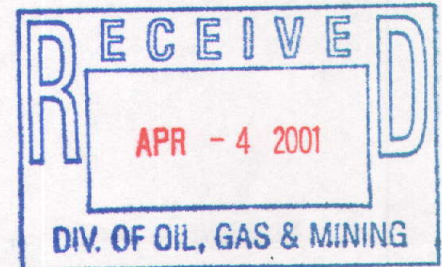
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U-69380

(UT-023)

Certified Mail Number 7099 3220 0002 6605 7080  
Return Receipt Requested

APR 03 2001



### DECISION

Mr. Gary Mullard	:	43 CFR 3809
Northern Stone Supply	:	Surface Management
P.O. Box 249	:	Notice of Noncompliance
Oakley, Idaho 83346	:	U-69380

### RESCISSION OF NOTICE OF NONCOMPLIANCE DECISION

On July 25, 2000 you received a Decision and Notice of Noncompliance from the Salt Lake Field Office for mining common variety minerals from the Turquoise Stone No. 2 and No. 3 mill sites and from along the Rock Canyon access road, and for your failure to move the fence and gate onto your mining area as required in your Plan of Operations approval of March 31, 1993. These activities occurred in T. 13 N., R. 13 W., Section 18.

On October 11, 2000 you received a Notice of Trespass from this office for the severance of mineral materials from the subject Public Lands without a valid contract and without authorization from the BLM. On November 28, 2000 we received a check from Northern Stone in the amount of \$4,718.70 to resolve the outstanding trespass. The trespass for the unauthorized severance of mineral materials, serial number U-77759, has been resolved.

In light of the trespass resolution, and in an effort to move forward to resolve other outstanding issues related to Northern Stone's current surface disturbance on the Turquoise Stone mining and mill site claims and the necessity for Northern Stone to file an accurate Plan of Operations and comply with BLM's Use and Occupancy regulations at 43 CFR 3715, we are hereby rescinding our Decision and Notice of Noncompliance dated July 25, 2000.

An appeal from this decision may be taken to the State Director, Utah State Office, BLM, in accordance with the provisions in Title 43 of the Code of Federal Regulations (CFR) Subpart 3809.4. If an appeal is taken, the notice of appeal must be filed in this office at 2370 South 2300 West, Salt Lake City, Utah, 84119 within thirty (30) days from receipt of this decision.

Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director from this office. The appeal to the State Director must contain: 1) the



name and mailing address of the appellant; 2) when applicable, the name of the mining claim(s) and serial number(s) assigned to the mining claim(s) recorded pursuant to Section 3833 of this title which are subject to appeal; and 3) a statement of reasons for appeal and any arguments the appellant wishes to present which would justify reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

During the appeal to the State Director, all decisions from which the appeal is taken shall be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of this Department, as it affects the subject mining claims. No appeal, protest, or petition for reconsideration will be entertained from this decision after the appeal period has expired.

If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.

Sincerely,

Glenn A. Carpenter  
Field Office Manager

cc: D. Wayne Hedberg; Utah Division of Oil, Gas and Mining  
Bureau of Land Management Utah State Office (UT-935)